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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/063,993

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Terry S. Callaghan

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PRICE HENEVELD COOPER DEWITT & LITTON
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

EXAMINER

TSAl, CAROL S W

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 04/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,993

Applicant

CALLAGHAN, T

Examiner

Carol S Tsai

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. The finality of the previous office action is hereby withdrawn in view of the newly cited prior art U. S. Patent No. 5,694,322 to Westerlage et al.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 23, it is not clear what is meant by “**mileage accumulated** during vehicle travel following **receipt by said input device of said second door unlock signal**, wherein said tripmeter **does not accumulate mileage** during vehicle travel following receipt by said input device of said **first door unlock signal**”, since “a vehicle tripmeter coupled to the input device and to a vehicle odometer sensor for accumulating a first accumulated travel distance (e.g., business mileage) during vehicle travel following receipt by the input device of the first door unlock signal, and for accumulating a second accumulated travel distance (e.g. , non-business

Art Unit: 2857

personal mileage) during vehicle travel following receipt by the input device of the second door unlock signal. The tripmeter does not accumulate the first accumulated travel distance during vehicle travel following receipt by the input device of the second door unlock signal” described at paragraph 0014 of Specification indicating that the tripmeter **does not accumulate the first accumulated travel distance (personal mileage) during vehicle travel following receipt by the input device of the second door unlock (business trip unlock entry shown on Fig. 1) signal.**

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 6, 7, 9, 11, 12, 16, 17, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,694,322 to Westerlage et al.

With respect to claims 6, 7, and 12, Westerlage et al. disclose a vehicle mileage tracking system comprising: a tripmeter (odometer 109 shown on Fig. 9) mounted in a vehicle for tracking travel distance of the vehicle (see col. 16, lines 45-48); a transmitter (transceiver 94 shown on Fig. 9) mounted in the vehicle coupled to the tripmeter for transmitting the travel distance (see col. 4, lines 57-59); a receiver (receiver 44 shown on Fig. 1) remotely located from the vehicle for receiving the travel distance transmitted by the transmitter; and a computer (input-output device 126 shown on Fig. 10) coupled to the receiver for receiving and storing the travel distance received by the receiver (see col. 18, lines 52 to col. 19, line 6).

As to claim 9, Westerlage et al. also disclose computer being a computer server coupled to a local area network (see col. 4, line 65 to col. 14).

As to claims 11 and 25, Westerlage et al. also disclose the transmitter being a transceiver for receiving an interrogation signal and for transmitting vehicle mileage in response to the interrogation signal (see col. 4, line 57 to col. 5, line 14).

As to claim 16, Westerlage et al. also disclose the transmitter being an RF transmitter for transmitting an RF signal to a receiver coupled to the remote device (see col.5, lines 15-32).

As to claim 17, Westerlage et al. also disclose the vehicle tripmeter time- and date-stamps mileage trip segments that are recorded between periods (see col. 7, lines 38-64).

Westerlage et al. do not disclose expressly that trip segments are time stamped between vehicle ignition being turned on and off, but it is considered inherent, because such definition is known to be a necessary requirement in order that odometer data computer system can start accumulating the trip mileage when the engine is turned on and stop accumulating the trip mileage when the engine is turned off.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of U. S. Patent No. 6,028,537 to Suman et al. (referred thereafter as Suman et al.'537)

Art Unit: 2857

As to claim 8, Westerlage et al. disclose the computer being configured to automatically generate and store an electronic record indicating the vehicle and travel distance (see col. 18, lines 35-44).

Westerlage et al. do not disclose the transmitter transmitting an identification code to the receiver to identify the vehicle to the computer.

Suman et al.'537 teach the transmitter transmitting an identification code to the receiver to identify the vehicle to the computer (see col. 7, lines 46-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al.'s system to include the transmitter transmitting an identification code to the receiver to identify the vehicle to the computer, as taught by Suman et al.'537, in order to identify the information in the entry as relating to a particular user.

9. Claims 10, 14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of U. S. Patent No. 6,301,533 to Markow.

As noted above, Westerlage et al. disclose the claimed invention, except for an electronic mail message including the vehicle identification code and travel distance.

Markow teaches an electronic mail message including the vehicle identification code and travel distance (see col. 2, lines 53-58 and col. 4, lines 19-31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al.'s system to include an electronic mail message including the vehicle identification code and travel distance, as taught by Markow, in order that

Art Unit: 2857

information of vehicle identification code and travel distance can be transmitted via the computer to either the police or a technician.

As to claims 14 and 23, Westerlage et al. do not disclose an input device mounted in the vehicle for receiving an input representing whether a trip is for business or personal purpose and for generating a signal representing the received input, wherein the tripmeter is coupled to the input device for accumulating vehicle mileage received from a mileage sensor as the vehicle travels in response to the signal received from the input device.

Markow teaches an input device mounted in the vehicle for receiving an input representing whether a trip is for business or personal purpose and for generating a signal representing the received input, wherein the tripmeter is coupled to the input device for accumulating vehicle mileage received from a mileage sensor as the vehicle travels in response to the signal received from the input device (see col. 2, lines 31-43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al.'s system to include an input device mounted in the vehicle for receiving an input representing whether a trip is for business or personal purpose and for generating a signal representing the received input, wherein the tripmeter is coupled to the input device for accumulating vehicle mileage received from a mileage sensor as the vehicle travels in response to the signal received from the input device, as taught by Markow, in order that mileages of either business or personal can be accumulated in response to the signal received from the input means.

Art Unit: 2857

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of U. S. Patent No. 5,497,323 to McCall et al.

As to claim 13, Westerlage et al. disclose a display (output 104 shown on Fig. 9) coupled to the vehicle tripmeter for displaying the travel distance.

Westerlage et al. do not disclose the display being selective.

McCall et al. teach the display being selective (see col. 3, lines 44-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al.'s system to include the display being selective, as taught by McCall et al., in order to asynchronously display cumulative vehicle travel distance and trip travel distance (see McCall et al. col. 3, lines 48-50).

11. Claims 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Markow as applied to claims 12, 14, and 23 above, and further in view of U. S. Patent No. 5,278,547 to Suman et al. (referred thereafter as Suman et al.'547)

As noted above, with respect to claims 14 and 25, Westerlage et al. in combination with Markow teach all the features of the claimed invention, but do not disclose the input device being a receiver for receiving a signal from a remote transmitter.

Suman et al.'547 teach a control module being coupled to the vehicles electrical system for providing predetermined control functions, which can be varied according to the positions selected by the switches and the driver as determined by switch or the received code from transmitter, a remote keyless entry which includes three push-button switches with a first switch

Art Unit: 2857

being employed for unlocking the door, a second switch for locking the doors, and a third switch for actuating the trunk release (see col. 3, line 66 to col. 4, 29).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement Westerlage et al. in combination with Markow's system to include the input device being a receiver for receiving a signal from a remote transmitter, as taught by Suman et al.'547, in order that travel distance for business or personal use can be accumulated during vehicle travel following receipt by the input device of a business unlock signal or a personal unlock signal received from a remote transmitter.

12. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of U. S. Patent No. 4,875,167 to Price et al.

As noted above, Westerlage et al. disclose the claimed invention, except for storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip.

Price et al. teach storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip (see col. 2, lines 7-11 and col. 3, lines 43-51).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al.'s system to include storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip, as taught by Price et al., in order to distinguish whether the type of trip mileage that to be accumulated is a business trip or personal trip.

Art Unit: 2857

As to claims 19-22, Westerlage et al. do not disclose the tripmeter totaling one of the travel distances traveled during a specified period of time.

Price et al. teach the tripmeter totaling one of the travel distances traveled during a specified period of time (see Abstract, lines 2-13; col. 4, lines 21-23; and col. 6, lines 17-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerlage et al.'s system to include the tripmeter totaling one of the travel distances traveled during a specified period of time, as taught by Price et al., in order to provide an end-of-year tax reporting.

13. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,297,781 to Turnbull et al. in view of U. S. Patent No. 5,278,547 to Suman et al. (referred thereafter as Suman et al.'547)

Turnbull et al. disclose a mileage display system for a vehicle comprising: a receiver (receiver 136 shown on Fig. 6) for receiving a signal from a remote transmitter (transmitter 134 shown on Fig. 6) (see col. 9, lines 46-50); a mileage accumulator (odometer 154 shown on Fig. 7) coupled to the receiver for accumulating vehicle mileage received from a mileage sensor as the vehicle travels (see Figs. 6 and 7 and col. 26, lines 11-43); and a display (display 45 shown on Fig. 6 and other displays 166 shown on Fig. 7) for displaying the vehicle mileage accumulated by the mileage accumulator (see col. 8, lines 40-63).

Turnbull et al. do not disclose the signal received by the receiver from the remote transmitter.

Suman et al.'547 teach a control module being coupled to the vehicle's electrical system for providing predetermined control functions, which can be varied according to the positions selected by the switches and the driver as determined by switch or the received code from transmitter, a remote keyless entry which includes three push-button switches with a first switch being employed for unlocking the door, a second switch for locking the doors, and a third switch for actuating the trunk release (see col. 3, line 66 to col. 4, 29).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Turnbull et al.'s system to include the signal received by the receiver from the remote transmitter, as taught by Suman et al.'547, in order that travel distance can be accumulated during vehicle travel in response to a signal received by the receiver from the remote transmitter.

As to claim 2, Turnbull et al. also disclose an interface (vehicle bus interface 116 shown on Fig. 6) for coupling to an odometer sensor of the vehicle to receive a vehicle travel distance signal from which the vehicle mileage may be ascertained (see col. 25, lines 51-67).

14. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull et al. in view of Suman et al.'547 as applied to claims 1 and 2 above, and further in view of U. S. Patent No. 5,497,323 to McCall et al.

As to claim 3, Turnbull et al. also disclose a switching device (switches 130 shown on Fig. 6) coupled to the interface.

Turnbull et al. in combination with Suman et al.'547 do not disclose the switch device for receiving and selectively transmitting the vehicle travel distance signal.

Art Unit: 2857

McCall et al. teach the switch device for receiving and selectively transmitting the vehicle travel distance signal (see col. 3, line 44-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Suman et al.'547 in combination with Turnbull et al.'s system to include the switch device for receiving and selectively transmitting the vehicle travel distance signal, as taught by McCall et al., in order to provide a known function of changing the display between total odometer distance (i.e., cumulative vehicle mileage) and trip travel distance when depressed by the vehicle operator (see col. 3, lines 47-48).

As to claim 4, Turnbull et al. also disclose a memory device (memory 126 shown on Fig. 6) for storing cumulative travel distance; and a processing circuit (microprocessor 110 shown on Fig. 6) coupled to an output of the switching device (switches 130 shown on Fig. 6) to the memory for calculating cumulative travel distance and for storing the cumulative travel distance in the memory.

Turnbull et al. in combination with Suman et al.'547 do not disclose the calculating in response to the vehicle travel distance signal selectively transmitted through the switching device.

McCall et al. teach the calculating in response to the vehicle travel distance signal selectively transmitted through the switching device signal (see col. 3, line 44-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Suman et al.'547 in combination with Turnbull et al.'s system to include the calculating in response to the vehicle travel distance signal selectively transmitted through the switching device, as taught by McCall et al., in order to provide a known function of

Art Unit: 2857

changing the display between total odometer distance (i.e., cumulative vehicle mileage) and trip travel distance when depressed by the vehicle operator (see col. 3, lines 47-48).

Contact Information

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. Tsai

04/07/03


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800